



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

July 18, 2014

Dear Honorable Tribal Leader:

Pursuant to Section 404(c) of the Clean Water Act and 40 Code of Federal Regulations Part 231, the United States Environmental Protection Agency Region 10 hereby provides notice of its Proposed Determination to restrict the use of certain waters in the South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek watersheds in Southwest Alaska as disposal sites for dredged or fill material associated with mining the Pebble deposit, a copper-, gold-, and molybdenum-bearing ore body. In addition, EPA Region 10 is offering consultation and coordination with federally-recognized tribes in Bristol Bay, Alaska on this Proposed Determination.

EPA Region 10 is taking this step because of the high ecological and economic value of the Bristol Bay watershed and the assessed unacceptable environmental effects that would result from such mining. This Proposed Determination relies on clear EPA authorities under the CWA and is based on peer-reviewed scientific and technical information. Its scope is geographically narrow and does not affect other deposits or mine claim holders outside of those affiliated with the Pebble deposit. Additional information about the Proposed Determination may be found in the enclosed Fact Sheet, and you may obtain a copy of the Proposed Determination at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

In accordance with 40 CFR Part 231, EPA Region 10 will be holding a series of public hearings on this Section 404(c) Proposed Determination. The purpose of these hearings is to obtain public testimony and comment on EPA Region 10's Proposed Determination. Information about the dates, times, and locations of these hearings may be found in the enclosed Fact Sheet. Additional details and any changes to the schedule are also available at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

In addition to the public hearings, EPA Region 10 invites you and your designated consultation representative(s) to participate in the consultation process. During the week of August 11, 2014, EPA Region 10 will provide a number of in-person opportunities for EPA Region 10 leadership and designated officials to meet with designated tribal government officials in the following communities: Anchorage, Dillingham, Newhalen-Iliamna, New Stuyahok, Igiugig, Kokhanok, and Nondalton.

The consultation and coordination process will be conducted in accordance with the Presidential Executive Order 13175, *EPA Policy on Consultation and Coordination with Indian Tribes*<sup>1</sup> and the *EPA Region 10 Tribal Consultation and Coordination Procedures*.<sup>2</sup> Consistent with these policies, it is important for tribes to designate a tribal official that will be their representative for the purposes of consultation. Please use the enclosed form to inform EPA of your designated tribal official.

Due to scheduling constraints, the consultation meetings will likely be held in a group setting, so it is important to receive information from interested tribes as soon as possible. Please respond no later than

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<sup>1</sup> *EPA Policy on Consultation and Coordination with Indian Tribes* ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)).

<sup>2</sup> *EPA Region 10 Tribal Consultation and Coordination Procedures* ([http://www.epa.gov/region10/pdf/tribal/consultation/r10\\_tribal\\_consultation\\_and\\_coordination\\_procedures.pdf](http://www.epa.gov/region10/pdf/tribal/consultation/r10_tribal_consultation_and_coordination_procedures.pdf)).

**August 1, 2014**, to ensure adequate time for planning of consultation meetings. Requests for one-on-one meetings will be considered as time and resources allow. Additional consultation would likely occur via telephone or at one of EPA Region 10's offices in Anchorage, Alaska or Seattle, Washington. Please contact Tami Fordham, information provided below, to plan these events.

EPA Region 10's anticipated timeline for the consultation and coordination period is expected to extend from July 18, 2014, to September 19, 2014. There will be an informational call regarding the tribal consultation process on July 18, 2014, at 1:00pm Alaska time. If you are unable to attend this informational call, another opportunity will be provided on Wednesday, July 30, 2014, at 10:00am Alaska time. In addition to general information sharing, an overview of the Proposed Determination will be provided. The teleconference line for both of these calls is Nonresponsive Conference Code code Nonresponsive Conference Code. Additional details are included in the enclosed consultation and coordination plan.

The official EPA contact person for this consultation and coordination process is Tami Fordham, Tribal Liaison to the Bristol Bay Project. She can be reached at (907) 271-1484 or [fordham.tami@epa.gov](mailto:fordham.tami@epa.gov). If you have any questions about the Proposed Determination or the public hearings, please contact me or have your staff contact Rick Parkin, EPA Region 10's Management Lead for the Bristol Bay Project, at (206) 553-8574.

I look forward to hearing from you on this important matter.

Sincerely,



Dennis J. McLerran  
Regional Administrator

Enclosures:

EPA R10 Tribal Consultation and Coordination Process and Timeline for the Bristol Bay Project  
EPA Region 10 Consultation Questionnaire  
Bristol Bay 404(c) Proposed Determination and Fact Sheet

**EPA R10 Tribal Consultation and Coordination Process and Timeline for the Bristol Bay Project**  
U.S. Environmental Protection Agency Region 10's Proposed Determination To Prohibit, Restrict, or Deny the Specification, or the Use for Specification (Including Withdrawal of Specification), of an Area as a Disposal Site Pursuant to Section 404(c) of the Clean Water Act and Public Hearings on the Proposed Determination; Pebble Deposit Area, Southwest Alaska

<b>Date</b>	<b>Event</b>	<b>Contact Information</b>
July 18, 2014 1PM Alaska Time	<b>Information Exchange Meeting</b> <i>(for tribal environmental professionals and/or Tribal Government Officials)</i>  Informational teleconference call – 404(c) Process Overview, consultation planning, public comment period and public meeting schedule	Phone: <input type="text" value="Nonresponsive Conference Code"/> Code: <input type="text" value="Nonresponsive Conference Code"/>
July 30, 2014 10AM Alaska Time	<b>Information Exchange Meeting</b> <i>(for tribal environmental coordinators and/or Tribal Government Officials)</i>  <u>Webinar: Proposed Determination – Overview</u> Information from July 18, 2014 teleconference call may be repeated for those unable to attend the first information exchange meeting. This webinar will provide an overview of the proposed determination.	Phone: <input type="text" value="Nonresponsive Conference Code"/> Code: <input type="text" value="Nonresponsive Conference Code"/>  Adobe: https: <input type="text" value="Nonresponsive Conference Code"/>
August 11-15, 2014	<b>Leadership Meetings</b> – we invite your tribal government to attend one of the tribal consultation meetings that will be scheduled in the following communities: Anchorage, Dillingham, Iliamna-Newhalen, New Stuyahok, Igiugig, Kokhanok, or Nondalton.	Contact Tami Fordham for scheduling information at <a href="mailto:fordham.tami@epa.gov">fordham.tami@epa.gov</a> or (907) 271-1484.

## EPA Region 10 Consultation Questionnaire

**Tribal Government Name:** \_\_\_\_\_

**Project Name:** Bristol Bay Project: U.S. Environmental Protection Agency Region 10's Proposed Determination To Prohibit, Restrict, or Deny the Specification, or the Use for Specification (Including Withdrawal of Specification), of an Area as a Disposal Site Pursuant to Section 404(c) of the Clean Water Act and Public Hearings on the Proposed Determination; Pebble Deposit Area, Southwest Alaska

Please check the appropriate response(s) describing the level of involvement your tribal government would like regarding this Proposed Determination.

☐ We request tribal consultation and we request to participate in the following consultation meeting:

- Anchorage                      - New Stuyahok
- Dillingham                    - Igiugig
- Iliamna-Newhalen        - Kokhanok
- Nondalton

☐ We want to continue to receive project information by mail and participate in the public process.

☐ We decline government-to-government consultation at this time.

The following tribal official has been designated by the Tribal Council to serve as the tribal point of contact for this consultation:

**Name and Title:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Signed by President/First Chief:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name/Title:** \_\_\_\_\_

You may also scan and e-mail or fax this form to: Tami Fordham at [fordham.tami@epa.gov](mailto:fordham.tami@epa.gov) or fax to (907) 271-3424.

If you have any questions regarding the Bristol Bay Project please contact Rick Parkin, email: [parkin.richard@epa.gov](mailto:parkin.richard@epa.gov) or phone (206) 553-8574.

**Distribution List:**

Native Village of Aleknagik  
Chignik Bay Tribal Council  
Native Village of Chignik Lagoon  
Chignik Lake Village  
Village of Clarks Point  
Curyung Tribal Council  
Egegik Village  
Native Village of Ekuk  
Village of Iliamna  
Ivanoff Bay Village  
Native Village of Kanatak  
King Salmon Tribe  
Manokotak Village  
Native Village of Perryville  
Native Village of Pilot Point  
Native Village of Port Heiden  
Portage Creek Village  
South Naknek Village  
Traditional Village of Togiak  
Twin Hills Village  
Ugashik Village  
Igiugig Village  
Kokhanok Village  
Levelock Village  
Newhalen Village  
Nondalton Village  
Pedro Bay Village  
Ekwok Village  
Naknek Native Village  
New Koliganek Village Council  
New Stuyahok Village Council